IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14336 of 2005

Between:

Sura Rami Reddy, S/o.Late Kammi Reddy,
R/o.Pedda Abbipuram Village, A.S.Peta Mandal, Nellore district.

..... PETITIONER

AND

1 The Govt. of A.P., Rep by its Secretary School Education Department, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, A.P., Hyderabad.
3 The Regional Joint Director of School Education, Guntur
4 The District Educational Officer, Nellore.
5 R.K.Aided High School, Chakalikonda, Vinjamoor Mandal, Nellore district, Rep by its Correspondent.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially writ of mandamus declare the impugned letter Rc.No.5008/VE-2/2002 dt.18-6-2005 on the file of Respondent No.2 in not filling up the aided post in Respondent No.5 school on compassionate grounds basing on the ban dt.20-10-2004 as illegal, arbitrary, unjust and also Violative of the respondents to appoint the petitioner on compassionate grounds as Record Assistant in the 5th Respondent School not withstanding the ban impose under the Memo.dt.20-10-2004 forthwith.

Counsel for the Petitioner: MR.RAJ KUMAR RUDRA

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

This Court at the admission stage made the following:

O R D E R:

1. This writ petition is filed by the petitioner aggrieved by the action of the respondents 1 to 4 in rejecting the claim of the petitioner for being appointed as a Record Assistant, on compassionate grounds, on the ground that the Government had imposed a ban.

2. According to the petitioner, his father worked as Telugu Pandit Grade I in the fifth respondent-School, which was an aided school. While in service, he died on 19-04-2001. As a dependent, the mother of the petitioner made a representation on 22-11-2001 to the fourth respondent, by marking a copy of the same to the third respondent, requesting to appoint the petitioner as Record Assistant on compassionate grounds, as they have no other means of livelihood. It is stated that the fifth respondent sent proposals to the fourth respondent on 09-01-2002, where after the fourth respondent got the matter enquired into and then sent the proposals to the third respondent by proceedings, dated 22-01-2002. The third respondent, on 02-08-2002, though his letter to the fourth respondent, pointed out certain deficiencies in the proposals sent by the fifth respondent and sought for clarification. On 19-09-2002, the said deficiencies were rectified through the Deputy Educational Officer, Kavali. Thereafter, the fourth respondent through his proceedings dated 23-09-2002

submitted a report to the third respondent with a request to accord necessary permission for appointment of the petitioner on compassionate grounds. It is further stated that the matter was referred to the second respondent, who, in turn, by his proceedings, dated 02-07-2004, sought for approval of the Government. The first respondent also by his proceedings, dated 25-09-2004, directed the second respondent to take necessary action in accordance with the provisions contained in G.O.Ms.No.1, dated 01-01-1994. Basing on the proceedings of the first respondent, the second respondent issued proceedings, dated 18-12-2004 to the respondents 3 and 4 for taking necessary action in accordance with Memo dated 10-09-2004. After completion of the formalities, the third respondent submitted the proceedings to the second respondent seeking certain clarifications for filling up the post of Record Assistant on compassionate grounds and sought for necessary orders. However, the second respondent issued the impugned proceedings, dated 18-06-2005, rejecting the request for approval on the ground that a ban was imposed for filling up the aided posts. Hence, the present writ petition.

3. The learned counsel for the petitioner contended that as the permission for filling up the vacancy of Record Assistant was accorded long prior to the imposition of the ban by the Government, the said ban would not come in the way of filling the vacancy, especially on compassionate grounds. Hence, sought for quashing the impugned proceedings, dated 18-06-2005, with a direction to the respondents to appoint the petitioner as Record Assistant.

4. The learned Government Pleader though opposed the contentions raised by the learned counsel for the petitioner, however, fairly conceded that where prior approval by the authorities concerned was accorded prior to the imposition of the ban, the ban would not be applicable and the appointments with reference to those approvals

can be completed.

5. In the present case, admittedly, the approval for filling up the post of Record Assistant by appointing the petitioner on compassionate grounds was accorded long prior to the imposition of the ban by the Government.

6. In view of the approval granted by the competent authorities, including the first respondent prior to the imposition of the ban by the Government, dated 20-10-2004, the said ban would not come in the way. Therefore, the impugned order passed by the second respondent, dated 18-06-2005, is set aside and the respondents 1 to 4 are directed to pass necessary orders for appointing the petitioner as Record Assistant in the fifth respondent-School within a period of eight weeks from the date of receipt of a copy of this order. Even, in the absence of any specific orders by the respondents 1 to 4, the fifth respondent-School is directed to appoint the petitioner on completion of the above period and sent the appointment order to the respondent authorities for approval and the respondent authorities are directed to approve the said appointment order.

7. With the above directions, the writ petition is disposed of. No order as to costs.

(S. ANANDA REDDY, J)

Date:05-07-2005

Note:

Issue C.C. in two days.

B/o

ghn

To

1 The Secretary School Education Department,
Govt of A.P., Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, A.P., Hyderabad.
3 The Regional Joint Director of School Education, Guntur
4 The District Educational Officer, Nellore.
5 The Correspondent, R.K.Aided High School, Chakalikonda, Vinjamoor

Mandal, Nellore district.

6 Two CCs to the Government Pleader for School Education, High Court of A.P., Hyderabad. (O.U.T.)

7 Two CD copies.